

# Collective Bargaining

City of San Antonio &  
San Antonio Police Officers Association



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# **Investigation and Discipline of Police Conduct : Current Process & Proposed CBA Changes in Articles 28 & 29**

# Parameters of Employment of San Antonio Police Officers

**Texas Local  
Government  
Code  
Chapter 143**

**Texas Local  
Government  
Code  
Chapter 174**

**Collective  
Bargaining  
Agreement**

# Texas Local Government Code Chapter 143

Provides Civil Service protections to fire and police employees

Sets out requirements for hiring, promotion, terms of employments, discipline and termination

San Antonio voters adopted Act in 1947

May be repealed by election upon petition

# Texas Local Government Code Chapter 174

- Enables police officers and firefighters to collectively bargain
- San Antonio voters adopted Act in 1974
- May be repealed by election upon petition
- City of San Antonio has been collectively bargaining with San Antonio Police Officers Association (SAPOA) since 1974



# Discipline Process

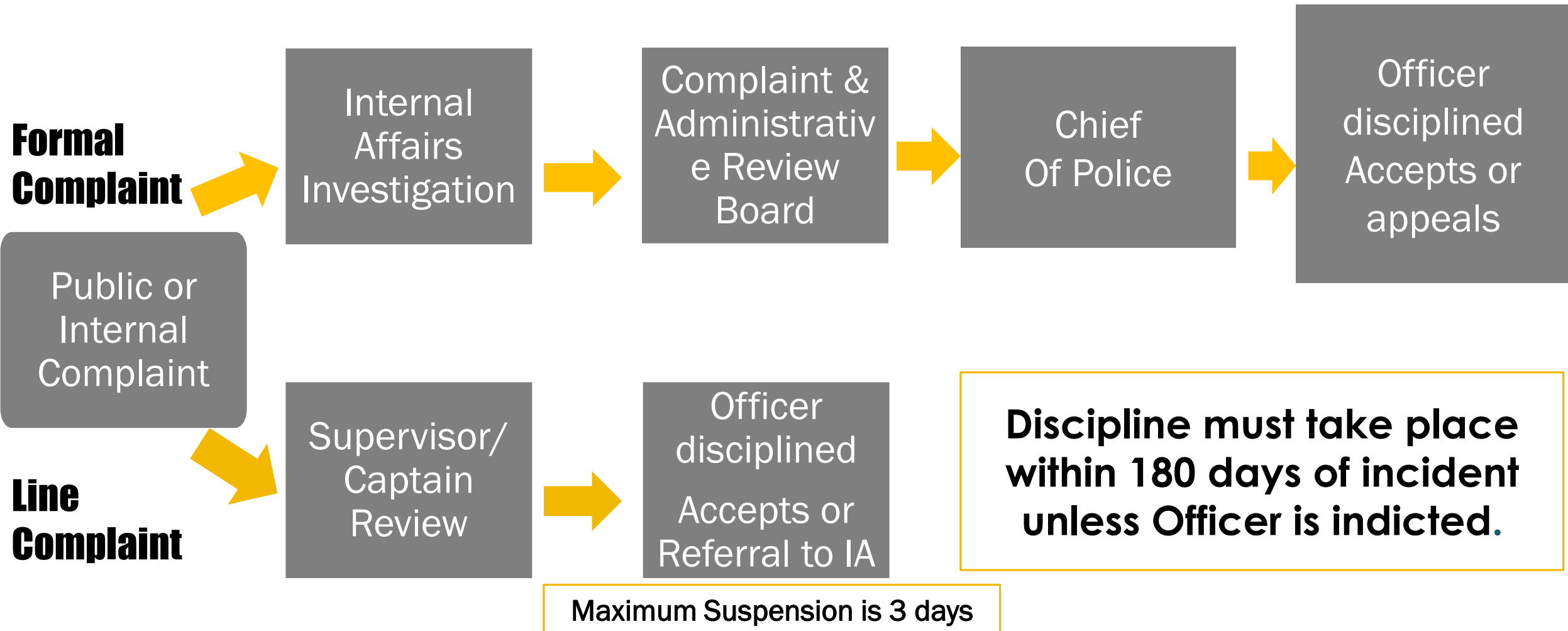
Regulated by CBA and  
Chapter 143

Discipline starts with  
complaints from the  
community and from the  
Department

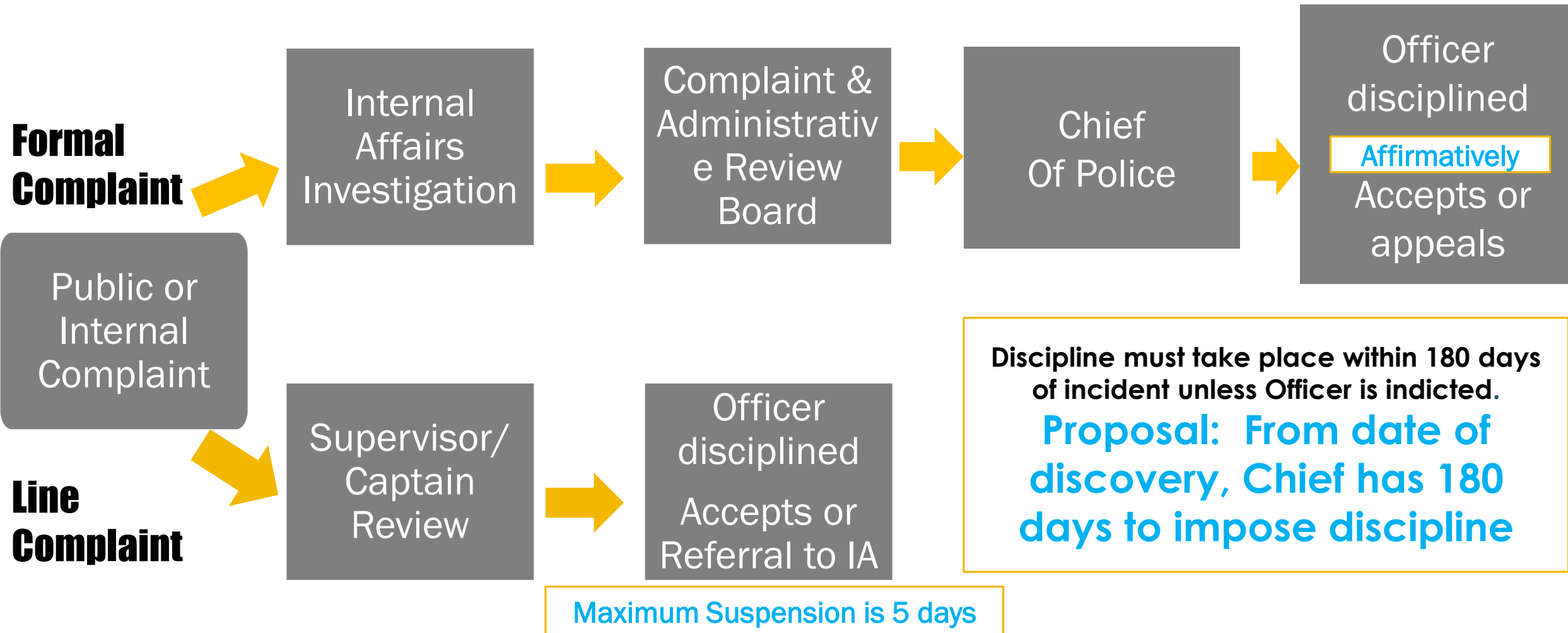
Formal Complaints are  
investigated by Internal  
Affairs



# Complaint Process - Current



# Complaint Process - Proposed





## FORMAL COMPLAINTS

### Examples:

- Use of Force/Application of Force
- Treatment of Prisoners
- Conduct/Behavior
- Responsibility to Serve the Public
- Truthfulness
- Body Worn Camera/Mobile Video Recording

## LINE COMPLAINTS

### Examples:

- Searching of Prisoners
- Proper Use of Equipment
- Responsibility to Serve/Conduct and Behavior/Courtesy
- Abiding by laws and Department Orders

# CBA Provides a Police Officer (current)

48 Hour Notice  
prior to contact  
by Internal  
Affairs

Attorney, Supervisor,  
or Union  
Representative  
during questioning

View all  
evidence prior  
to questioning

Ability to take  
home  
interrogatories

Meet with Chief  
to discuss  
contemplated  
discipline

Appeal Chief's  
decision to an  
Arbitrator

# CBA Provides a Police Officer (Proposed)

**24** Hour Notice  
prior to contact  
by Internal  
Affairs

Attorney, Supervisor,  
or Union  
Representative  
during questioning

View **body cam**  
evidence prior  
to questioning

Ability to take  
home  
interrogatories

Meet with Chief  
to discuss  
contemplated  
discipline

Appeal Chief's  
decision to an  
Arbitrator **for**  
**factual review**

# Complaint and Administrative Review Board (CARB)

Change name to:

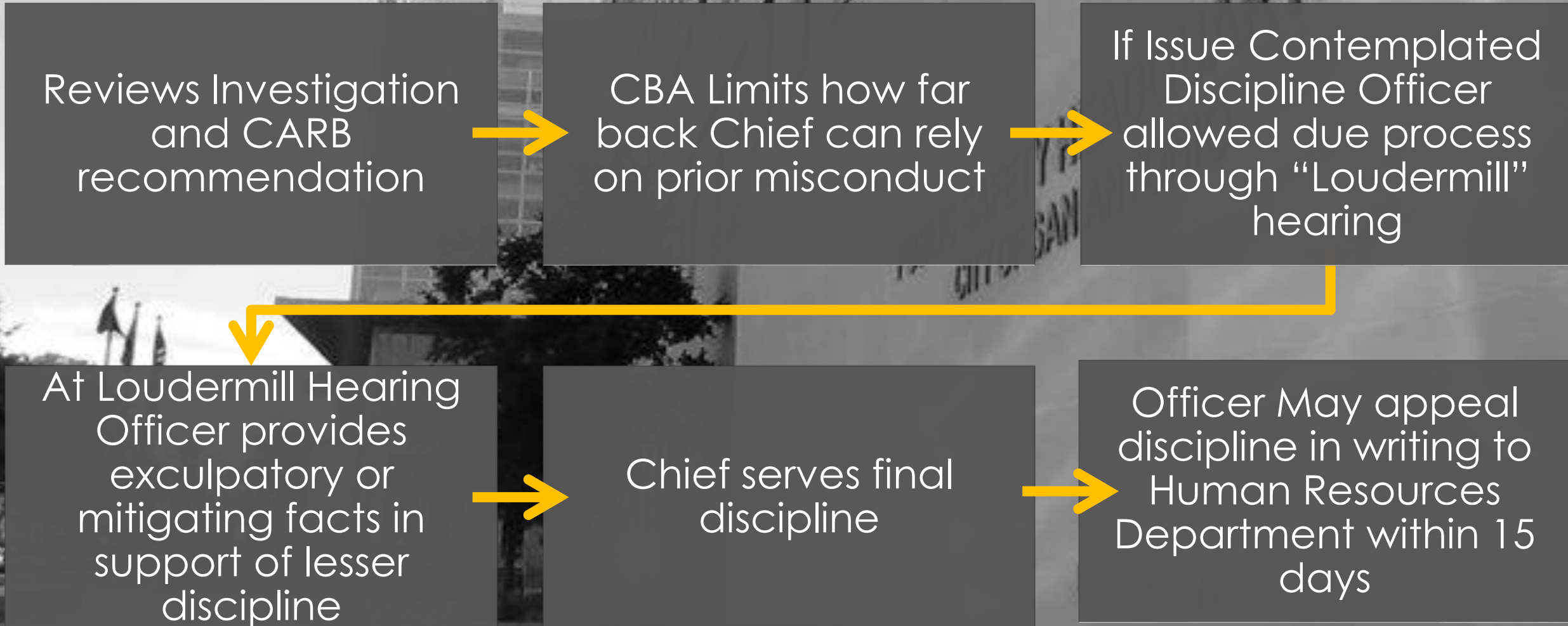
**Chief's Complaint  
and Administrative  
Review Board**

Comprised of Seven Civilians  
and Seven Police Officers

Authorized by CBA, hears  
investigations completed by  
Internal Affairs on complaints  
against police officers

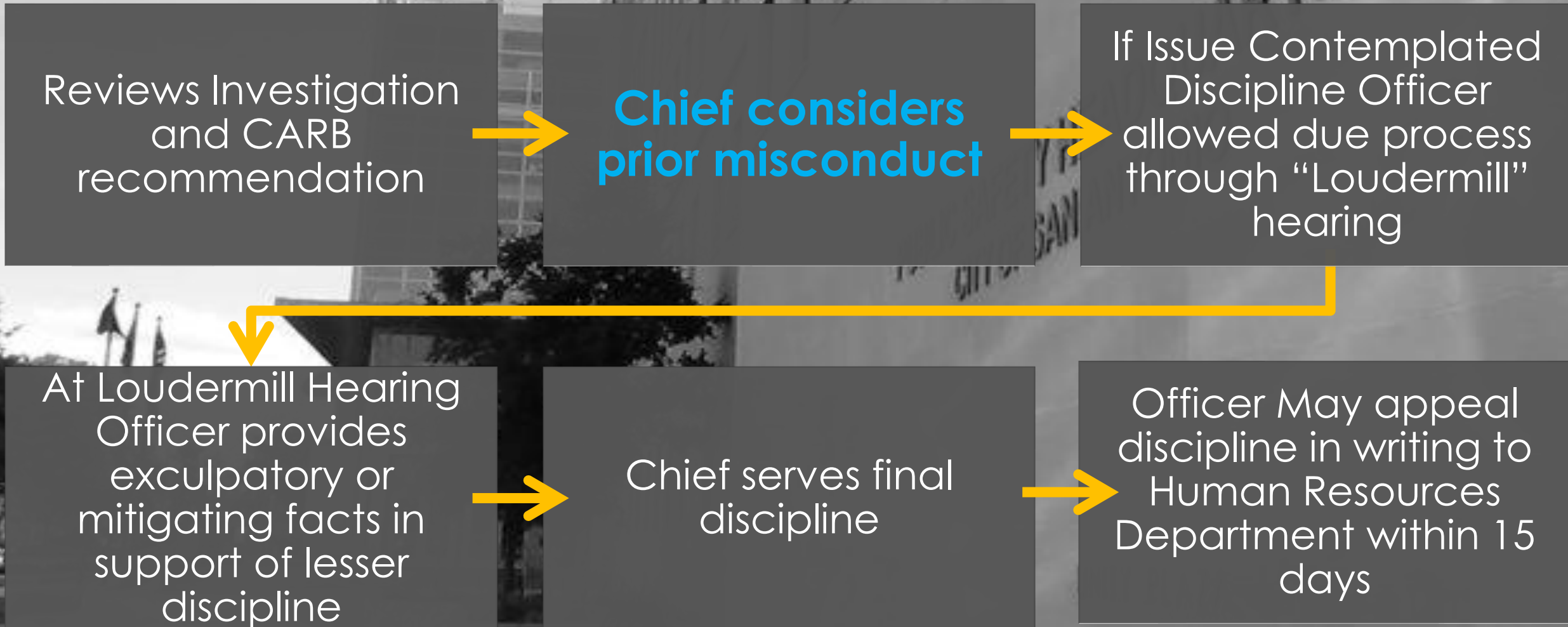
Makes Disciplinary  
recommendation to Police  
Chief

# Police Chief Issues Discipline: (current)





# Police Chief Issues Discipline: (Proposed)



# Officer Appeal Process

- Arbitrator is selected by City and Union from a list of Seven AAA Arbitrators
- CBA Allows for limited discovery process
- City has burden of proof
- City is generally limited in bringing evidence of prior bad acts
- CBA allows Arbitrator to impose discipline for any amount of time deemed just by Arbitrator

# Officer Appeal Process

- Arbitrator is selected by City and Union from a list of Seven AAA Arbitrators
- CBA Allows for limited discovery process
- City has burden of proof
- City is generally limited in bringing evidence of prior bad acts  
**(Proposal seeks to allow for this to be considered)**
- CBA allows Arbitrator to impose discipline for any amount of time deemed just by Arbitrator **(Proposal seeks to narrow this review)**

# Operational Improvements

# Scheduling

**Articles: 7 Management Rights, 13 Hours of Work, 38 Miscellaneous Provisions**

- Eliminates limit on hours of training
- Increases the maximum number of days for involuntary assignments

# Working Hours

**Article: 13 Hours of Work**

- Allows the Chief to determine working hours for all units of the department
- Investigative Unit hours may change from a 4-day week to a 5-day week



# Leave

## Article: 22 Miscellaneous Leave Provisions

- Provides Chief discretion to approve or deny leave based on operational necessity

# Promotion

## Article: 11 Promotions

- Includes Performance Evaluation as part or eligibility criteria for promotions.  
Two years of “meets” or “exceeds” expectations
- Other miscellaneous changes

# Civilianization

**Articles: 7 Management Rights, 14 Off-Duty Employment, 39 Civilianization**

- Maintains that the use of civilians in the Police Department will be used to perform duties which do not require the power of arrest
- Civilianizes the Off Duty Employment Office
- These changes will not reduce the number of uniformed positions